

**UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA**

MANUEL WINN,

Petitioner,

vs.

RENEE BAKER, *et al.*,

Respondents.

3:13-CV-00669-LRH-WGC

**ORDER**

Petitioner Manuel Winn submitted a petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2254 (#6). On August 13, 2014, the court dismissed numerous grounds of the petition with leave to amend (#5).

Petitioner has now filed a motion to extend time to file an amended petition (#8) and motion for appointment of counsel (#9). There is no constitutional right to appointed counsel for a federal habeas corpus proceeding. *Pennsylvania v. Finley*, 481 U.S. 551, 555 (1987); *Bonin v. Vasquez*, 999 F.2d 425, 428 (9th Cir. 1993). The decision to appoint counsel is generally discretionary. *Chaney v. Lewis*, 801 F.2d 1191, 1196 (9th Cir. 1986), *cert. denied*, 481 U.S. 1023 (1987); *Bashor v. Risley*, 730 F.2d 1228, 1234 (9th Cir.), *cert. denied*, 469 U.S. 838 (1984). However, counsel must be appointed if the complexities of the case are such that denial of counsel would amount to a denial of due process, and where the petitioner is a person of such limited education as to be incapable of fairly presenting his claims. *See Chaney*, 801 F.2d at 1196; *see also Hawkins v. Bennett*, 423 F.2d 948 (8th Cir. 1970). Here, the claims are numerous and appear somewhat complex. Additionally, petitioner is serving two

1 consecutive life sentences without the possibility of parole. Accordingly, petitioner's motion for  
2 appointment of counsel is granted.


3 **IT IS THEREFORE ORDERED** that petitioner's motion for appointment of counsel (#9) is  
4 **GRANTED.**

5 **IT IS FURTHER ORDERED** that the Federal Public Defender for the District of Nevada  
6 ("FPD") is appointed to represent petitioner.

7 **IT IS FURTHER ORDERED** that the Clerk shall **ELECTRONICALLY SERVE** the FPD  
8 a copy of this order, together with a copy of the petition for writ of habeas corpus (#6). The FPD shall  
9 have thirty (30) days from the date of entry of this order to file a notice of appearance or to indicate to  
10 the court its inability to represent petitioner in these proceedings.

11 **IT IS FURTHER ORDERED** that, after counsel has appeared for petitioner in this case, the  
12 court will issue a scheduling order, which will, among other things, set a deadline for the filing of a first  
13 amended petition. Accordingly, **IT IS FURTHER ORDERED** that petitioner's motion to extend time  
14 to file amended petition (#8) is **DENIED** as moot.

15  
16 DATED this 22nd day of October, 2014.

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19 LARRY R. HICKS  
20 UNITED STATES DISTRICT JUDGE  
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